

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
JESUS FERNANDEZ, :  
Plaintiff, :  
:-----x

v. :  
:-----x  
JOHN OR JANE DOE, M.D., and :  
SUPERINTENDENT, Downstate Correctional :  
Facility, :  
Defendants. :  
-----x

RECEIVED  
DOCUMENTS  
SOUTHERN DISTRICT OF NEW YORK  
4/6/21  
DATE FILED: 4/6/21

**AMENDED ORDER OF  
SERVICE**

20 CV 10287 (VB)

Plaintiff, proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights.

On January 5, 2021, plaintiff filed an amended complaint. (Doc. #5).

On February 3, 2021, the Court issued an Order of Service ordering the Office of the New York State Attorney General (“NYAG”) to ascertain the identity and address of the “M.D. John or Jane Doe” who was responsible for plaintiff’s medical screening and physical examination upon his entry into the Downstate Correctional Facility on a date in January or February 2018. (Doc. #8). The Court ordered that within thirty days of receiving this information, plaintiff must file a second amended complaint naming the John or Jane Doe defendant. (Id.).

On April 5, 2021, NYAG provided the name and address of the “M.D. John or Jane Doe.” (Doc. #14). According to NYAG, the most likely identity of the “Jane Doe” defendant is Physician’s Assistant Maria Badami. (Id.).

**The Court will direct the Clerk to replace defendant “M.D. John or Jane Doe” on the docket with “Maria Badami, Physician’s Assistant” Accordingly, it is HEREBY ORDERED, plaintiff shall NOT file a second amended complaint.**

In addition, to allow plaintiff to effect service on defendant P.A. Badami through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for defendant P.A. Badami. The Clerk of Court is further instructed to issue a summons listing defendant P.A. Badami and deliver to the Marshals Service all paperwork necessary for the Marshals Service to effect service upon defendant P.A. Badami. The service addresses for this defendant is appended to this Order.

It is plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012).

Plaintiff also must notify the Court in writing if plaintiff's address changes, and the Court may dismiss the action if he fails to do so.

### **CONCLUSION**

The Clerk is directed to terminate “John or Jane Doe” as a defendant from the docket and to add to the docket defendant Maria Badami, Physician's Assistant.

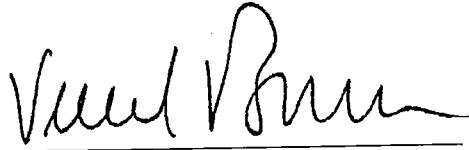
The Court directs the Clerk of Court to complete the USM-285 form with the address for the listed defendant and deliver all documents necessary to effect service on defendant P.A. Badami to the U.S. Marshals Service.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: April 5, 2021  
White Plains, NY

SO ORDERED:



\_\_\_\_\_  
Vincent L. Briccetti  
United States District Judge

APPENDIX

1) Maria Badami, PA  
Downstate Correctional Facility  
121 Red Schoolhouse Rd.  
Fishkill, NY 12508